

PHARMACY BOARD[657]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Pharmacy hereby gives Notice of Intended Action to amend Chapter 2, "Pharmacist Licenses," Iowa Administrative Code.

These amendments were approved at the July 29, 2008, regular meeting of the Board of Pharmacy.

The proposed amendments clarify requirements for reactivation of a delinquent license to practice pharmacy in Iowa and the meaning of active license status. The amendments also reorganize subrule 2.12(1) to clearly identify provisions relating to exemption from continuing education requirements for individuals engaged in health-related graduate studies and relating to application for credit for nonaccredited programs. The amendments also expand the renewal period within which continuing education credits are to be obtained and define the continuing education penalty for failure to timely complete the required continuing education.

Requests for waiver or variance of the discretionary provisions of these rules will be considered pursuant to 657—Chapter 34.

Any interested person may present written comments, data, views, and arguments on the proposed amendments not later than 4:30 p.m. on October 28, 2008. Such written materials may be sent to Terry Witkowski, Executive Officer, Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688; or by E-mail to terry.witkowski@iowa.gov.

These amendments are intended to implement Iowa Code sections 147.10, 147.11, 155A.11, and 272C.2.

The following amendments are proposed.

ITEM 1. Amend subrule 2.11(2) as follows:

2.11(2) *Delinquent license.* If a license is not renewed before its expiration date, the license is delinquent and the licensee may not practice pharmacy in the state of Iowa until the licensee reactivates the delinquent license. Reactivation of a delinquent license shall include submission of a completed application and appropriate fees and may include requirements relating to the reactivation of an inactive license pursuant to subrule 2.13(2). A pharmacist who continues to practice pharmacy in Iowa without a current license may be subject to disciplinary sanctions pursuant to the provisions of 657—subrule 36.1(4).

ITEM 2. Amend subrule 2.12(1) as follows:

2.12(1) *Continuing education program attendance.* Continuing education programs that carry the seal of an American Council on Pharmaceutical Education (ACPE) approved provider will automatically qualify for continuing education credit. Program attendance is mandated in order to receive credit unless it is a correspondence course that ACPE approved.

a. *Non-ACPE provider program.* A pharmacist requesting individual credit for completing a non-ACPE provider program shall submit a request for approval of the program to the board office no later than the date the program commences. The request shall be made on forms provided by the board office.

b. *Exemption for health-related graduate studies.* A pharmacist who is continuing formal education in health-related graduate programs may be exempted from meeting the continuing education requirements during the period of such enrollment. An applicant for this exemption shall petition the board, as soon as possible following enrollment in the qualifying graduate program, on forms provided by the board office.

ITEM 3. Amend subrule 2.12(2) as follows:

2.12(2) Continuing education unit required. The nationally accepted measurement of continuing education is referred to as CEU (continuing education unit), and the board of pharmacy employs that measurement. Ten contact hours of approved continuing education are equivalent to one CEU. The board of pharmacy will require 3.0 CEUs each renewal period. For purposes of this rule, “renewal period” means the 27-month period commencing April 1 prior to the previous license expiration and ending June 30, the date of current license expiration. A pharmacist who fails to complete the required CEUs within the renewal period shall be required to complete one and one-half times the number of delinquent CEUs prior to reactivation of the license. CEUs that are used to satisfy the continuing education requirement for one renewal period shall not be used to satisfy the requirement for a subsequent renewal period.

ITEM 4. Amend subrule 2.13(1) as follows:

2.13(1) Active license. Active license status applies to a pharmacist who has submitted the renewal application and fee and has met Iowa requirements for continuing education ~~or~~. Active license status also applies to a pharmacist who has submitted the renewal application and fee and who is a resident of another state, is licensed to practice pharmacy in that state, and has met the continuing education requirements of that state. A pharmacist who meets the continuing education requirements of another state shall provide documentation on the renewal application of the pharmacist’s license status in that state. An Iowa licensee actively practicing in a state that does not require continuing education for license renewal shall be required to meet Iowa continuing education requirements. A pharmacist meeting the continuing education requirements of another state must provide documentation on the renewal application of the pharmacist’s license status in that state.